

## **GLOSSARY**

**Acquittal:** a formal determination that there is insufficient evidence to prove a person who is charged with an offense committed the crime charged.

**Adjudication:** a final decision made by the court such as a conviction or a finding that a juvenile is delinquent.

**Admission of Sufficient Facts:** a formal acknowledgment by a defendant that there is sufficient evidence to warrant a guilty finding or, in the case of a juvenile, a delinquent finding.

**Appeal:** a formal process by which either the prosecution or defense counsel can request a higher court to review decisions made by the District Court or Juvenile Court Judge.

**Arraignment:** the initial court appearance where formal notice of charges is given to the defendant, the defendant enters a plea, and bail or other conditions of release are set by the judge.

**Bail:** an amount of money the defendant must post to insure he will appear on the next court date. The judge can set conditions of release in lieu of bail (i.e., remain drug free)

**Bench Trial:** a trial at which the judge hears witness testimony and decides the facts of the case (compare jury trial).

**Continued Without a Finding (CWOFF):** a procedure where a juvenile admits there are sufficient facts for a finding of delinquent. Instead of entering a delinquent finding on the record, the case is continued for a specified period of time. During that time, the juvenile is on probation. Upon successful completion of probation, the case is dismissed. If the juvenile does not successfully complete probation, after a hearing the court can enter a delinquent finding and sentence accordingly.

**Conviction:** a final determination by the court that the defendant is guilty of the offense charged. This can be the result of a plea or trial. Once there is a conviction the judge will sentence the defendant.

**CORI:** Criminal Offender Record Information.

**Department of Youth Services (DYS):** a government agency responsible for the holding facilities for committed juveniles.

**Delinquent:** a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the Commonwealth.

**District Attorney:** an elected official who is responsible for enforcing the criminal laws by representing the citizens of the Commonwealth in court. Each District Attorney has a team of

prosecutors (Assistant District Attorneys) who handle the cases in Juvenile, District, Superior Courts and Appeals Court.

**District Court:** a court that has jurisdiction over cases involving adults charged with misdemeanors or felonies that are punishable by incarceration in the House of Correction for up to two and one-half years.

**Grand Jury:** a group of twenty-three citizens who review evidence presented by the District Attorney's office in order to determine if there is enough evidence --probable cause-- to indict an individual. If there is sufficient evidence, the defendant is charged in Superior Court.

**Indictment:** the formal process by which the Commonwealth charges a person with a crime once the Grand Jury determines there is sufficient evidence to do so.

**Jurisdiction:** rules that outline which court will hear a specific case based on where the crime was committed and the type of case presented. For example, cases involving juveniles are heard in a specialized Juvenile Court.

**Misdemeanor:** a criminal offense which is punishable by incarceration in the House of Correction or a fine if the individual is an adult.

**Mistrial:** a trial which is terminated prior to its completion because of a problem that arises during the trial which would make it unfair to continue or where there is a hung jury (a jury that cannot come to a unanimous decision).

**Nolle Prosequi:** a formal decision by the prosecutor not to prosecute a case.

**Personal Recognizance:** pre-trial release of a defendant on the promise to appear on the next court date.

**Plea Agreement:** an admission of guilt by the defendant to pending charges based on an agreement with the prosecution to a specific sentence or terms of probation. This agreement must be approved by the judge in order to become final.

**Probable Cause:** a set of facts sufficient for a reasonable person to believe that a crime was committed by a particular person.

**Probable Cause Hearing:**

1) a proceeding in District Court in which the prosecution presents evidence of a crime. The judge determines if there is sufficient evidence to transfer the case to Superior Court for a hearing before the Grand Jury; or

2) a proceeding held by a judge or clerk magistrate to determine if there is sufficient evidence to charge an individual who was arrested without a warrant.

**Probation:** a court-ordered sentence during which time the defendant must not commit any new offenses and must follow orders of the court for a specified period of time (i.e., counseling, drug screens, restitution). Failure to comply may result in incarceration.

**Restitution:** an amount of money the court orders a defendant to pay a victim for out-of-pocket expenses.

**Subpoena:** a court order to appear in court to give testimony.

**Superior Court:** a court that has jurisdiction over all criminal matters but usually only exercises jurisdiction on the more serious cases. The Superior Court has the power to sentence an individual to State Prison as well as the House of Correction.

**Warrant:** an order by the court empowering the police to arrest an individual or search a particular place.

**Youthful Offender:** a juvenile between the ages of fourteen and eighteen who is charged with a felony and

- 1)has been previously committed to DYS *or*
- 2)has committed an offense involving the infliction or threat of serious bodily harm *or*
- 3)has violated a firearm law.

The Commonwealth proceeds by indictment. Once the juvenile is adjudicated a Youthful Offender by a plea or trial, the sentencing judge has the power to sentence the individual as an adult.